

REMARKS

Claims 1 - 13 are in this Application and are presented for reconsideration. With this Amendment, claims 1, 3, 4 and 6 have been amended and new claims 7 - 13 have been added. The amended claims clarify the Applicant's inventive subject matter in a more clear manner in response to the issues raised in the Office Action dated August 17, 2004.

Applicant thanks the examiner for the careful reading of the Application and for providing suggestions. It is Applicant's position that the specification and the claims are clear and definite. Applicant respectfully makes assertions for overcoming the rejections of the outstanding Office Action dated August 17, 2004 in the following paragraphs.

Specification

The disclosure has been objected to because of the informalities in paragraph 0019. In response, Applicant has amended the paragraph to overcome the raised objections.

Claim Rejections - 35 U.S.C. §112

Claims 1 - 6 have been rejected under 35 U.S.C. §112, second paragraph for being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, Applicant has made following amendments to the claims.

Specifically, in claim 1, antecedent basis has been established for "the axle suspension"

and for "the articulated connection".

In claim 1, line 4, "a rubber-metal bearing" has been further defined.

In claim 1, line 12, the positions of stop faces and pressing rings have been clarified.

In claim 1, line 12, "face" has been changed to "facing".

In claim 1, last line, "an" has been deleted.

In claim 3, "shearing sleeves" has been further defined and amended to "sleeves".

In claim 4, lines 10 - 11, an antecedent basis has been established for "said tensioning device".

In claim 6, "shearing sleeve" has been clarified.

Claim Rejection - 35 U.S.C. §102

Claim 4 has been rejected under 35 U.S.C. §102(b) as being anticipated by the European Patent cited by the Applicant (EP 1,120,299, "Koga '299", hereinafter).

The prior art as a whole including the Koga '299 neither teaches nor suggests the present invention as claimed. Koga '299 discloses a mounting structure of a suspension V-rod 9 which connects a center of an axle 3 to right and left frames 1. A rear central bent end 9b of the V-rod 9 is connected to brackets 11 on the center of the axle 3. The bent end 9b carries an oscillating pin 15 extending there through and having a spherical center portion 13; the pin 15 is oscillatably held at its spherical center portion 13 via a rubber bush 12 by the bent end 9b of the V-rod 9 as a hub. Rings are arranged between the rubber bush and the housing.

However, according to Koga '299, the bent end 9b is made in one piece. Therefore, it

is not possible that the rings are movable toward each other by a tensioning device via the intermediary of stop faces of the bent end 9b.

According to the present invention as claimed, the joint housing has two joint housing parts (end areas 4, 5), each joint housing part has one of the stop surfaces, and the tensioning device presses/moves the joint housing parts toward each other. This results in pressing/moving the pressing rings towards each other since the stop surfaces are in contact with the pressing rings.

In contrast, Koga '299 cannot suggest that the rings are movable toward each other by a tensioning device via the intermediary of stop faces of the bent end 9b since this would lead to a deformation/destruction of the one-piece bent end 9b.

Furthermore, the expression "via the intermediary" in present claims 1 and 4 makes clear that the tensioning device is not identical with the joint housing but is a separate part.

In addition, Koga '299 fails to disclose a tensioning device being separated from the bent end 9b.

Therefore, present invention as claimed is not anticipated by Koga '299.

Claim Rejections - 35 U.S.C. §103

Regarding the joint inventors of the present invention as claimed, according to the information and belief held by the Applicant's representative, the subject matter of the various claims were commonly owned at the time of the inventive process.

Claim 1 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Koga

'299 in view of McLaughlin et al. (U.S. Patent No. 6,231,264, "McLaughlin '264", hereinafter).

McLaughlin '264 discloses a V-configuration torque rod 118 which comprises an apex pivotal joint assembly 130. The apex pivotal joint assembly 130 comprises a pair of forged eyelets 140, a bar-pin journal 142, a bearing socket 144, a pair of thrust washers 146, a pair of snap rings 148 and an intermediate sleeve 150. Preferably, bearing socket 144 is made from an elastomeric composition.

However, according to McLaughlin '264, the intermediate sleeve 150 is made in one piece. Therefore, it is not possible that the thrust washer 146 or the snap rings 148 are movable toward each other by a tensioning device via the intermediary of stop faces of the intermediate sleeve 150.

Further, McLaughlin '264 cannot suggest that the thrust washer 146 or the snap rings 148 are movable toward each other by a tensioning device via the intermediary of stop faces of the intermediate sleeve 150 since this would lead to a deformation/destruction of the one-piece intermediate sleeve 150.

Furthermore, the forged eyelets 140 are not in contact with the thrust washer 146 or the snap rings 148.

There must be some suggestion or teaching in the prior art as a whole which would lead the person of ordinary skill in the art to provide the combination as claimed. As the prior art as a whole fails to direct the person of ordinary skill in the art toward the claimed combination, the invention should be considered not anticipated, non-obvious and thus patentable.

Therefore, present claim 1 is not obvious over Koga '299 in view of McLaughlin '264.

As the prior art fails to suggest the combination of features as claimed, Applicant respectfully requests that the Examiner favorably consider the claims as now presented.

At this time, Applicant respectfully requests reconsideration of this application in view of the above amendments and remarks, and Applicant respectfully solicits allowance of this application. It is applicant's position that all claims are now allowable. Should the Examiner determine that issues remain that have not been resolved by this response, the Examiner is requested to contact Applicant's representative at the number listed below.

Favorable consideration of the merits is requested.

Respectfully submitted
for Applicant,

By: 

D.W. Darren Kang
Registration No. 51,859
McGLEW AND TUTTLE, P.C.

JJM/DWK:
71219.8

DATED: November 17, 2004
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.